



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE FIRST ECCLESIASTICAL SYNOD OF CALIFORNIA

(MARCH 19-23, 1852)

The west coast of North America became known to the world quite early in the sixteenth century, through Hernando Cortés. With three ships and accompanied by several Franciscan friars, Cortés landed at what is now La Paz, on the southeastern shore of Lower California, and organized a short-lived colony in the place.¹ It is very probable that the conqueror of Mexico was the first to give the name which is still a subject of dispute among philologists.² Captain Francisco de Ulloa, Cortés's lieutenant, in 1539 rounded Cape San Lucas, and sailed up the western coast of the peninsula as far as thirty degrees latitude.

Thereafter numerous navigators sailed up the Pacific Coast, even as far as sixty degrees latitude to what is now called Prince William Sound. This latter point was reached in 1779. As all these navigators acted under orders from the Spanish Government, Spain claimed the whole territory by right of discovery until 1794, when she ceded to Great Britain all parts north of the present State of California.

All the regions mentioned were occupied by roving Indians.³ The first white settlements grew from the military garrisons planted there for the protection of the missions which had been established in Lower California by the Jesuits and Dominicans, and in Upper California, by the Franciscans.⁴ A few towns, such as Los Angeles

¹ This was (according to the document quoted in WINSOR), May 3, 1535. The original map made by Cortés is in the *Archivo General de las Indias*, at Seville. Cf. WINSOR, *Narrative and Critical History of America*, vol. II, p. 442-3, New York, 1886. Cf. DIAZ, *Verdadera Historia de la Conquista de la Nueva España*, cap. 200, Madrid, 1632. Cf. TELLO, *Cronica de la Provincia de Xalisco*, Libro II, Guadalajara, 1891.

² For a discussion of the various explanations of the name, cf. WINSOR, *op. cit.*, p. 443, note 1.

³ POWELL, *The Linguistic Families, Seventh Ann. Rept.*, Bur. Eth., p. 121; BANCROFT, *Native Races*, vol. I, chap. IV, pp. 322-5.

⁴ For a complete *List of Monks and Priests* who came to the country within the present limits of the United States during the fifty years which succeeded its discovery, "so far as ascertainable," cf. LOWERY, *Spanish Settlements*, vol. I, pp. 478-480; ENGELHARDT, *The Missions and Missionaries of California*, vol. I, p. 19 ss. San Francisco, 1908.

and San José, were founded by colonists from Mexico. In 1846, when the United States took possession of Upper California, the white population, including English and American immigrants, hardly numbered more than five thousand souls, who, like the Indians, were attended by the Franciscans.

A Bishop was appointed in the person of Rt. Rev. Francisco Garcia Diego y Moreno, O. F. M.⁵ Early in 1842, he arrived in California, but succumbed to the hardships and difficulties about four years afterwards. The chief result of his activity was a little seminary which produced six Mexican secular priests (the first in the history of the Northwest Coast), who were all ordained by the Bishop some time before he went to his reward, on April 30th, 1846.

It was during the vacancy, Very Rev. José Maria González Rúbio, O. F. M., being Administrator of the diocese, that gold was discovered in California. The many thousands who poured into the territory as a consequence, after January, 1848, brought on a radical change in every aspect of life in California. A considerable number of the immigrants, who came from almost every quarter of the globe, especially from the "States," were Catholics. To provide for their spiritual wants was a problem which taxed to the utmost the ingenuity as well as the means of the venerable Administrator. The six Franciscans, who had survived the confiscation of their missions and the dispersion of the neophytes by the Californians of

⁵ Bishop García Diego y Moreno, "Bishop of Both Californias," ("Obispo de Ambas Californias"), as he signed himself, was born at Lagos, in the State of Jalisco, Mexico, September 17, 1785, studied at Guadalajara, entered the Franciscan Order at Guadalupe, Zacatecas, in 1803, and was ordained priest in 1808. In 1832 Fr. Diego was appointed Commissary Prefect for the Indian missions of northern California, and arrived there with nine companions early in 1833. While active at his mission of Santa Clara, the California Assembly, with the approval of Governor Figueroa, August 9, 1834, passed the decree confiscating the twenty-one missions. In Mexico the Pious Fund, which supported the missionaries, had already been seized. The result was that the missions were ruined and the neophytes dispersed. In order to obtain redress for all the evils, Fr. Diego late in 1835 returned to Mexico. In the following year, at the request of the Mexican Government, Upper and Lower California were formed into a diocese, and Fr. Diego nominated first bishop. Pope Gregory XVI, on April 27, 1840, approved the nomination, and named San Diego as the residence of the bishop. Having been consecrated on October 4th, 1840, Bishop Diego reached his destination in December, 1841, but, finding the place unsuited, he took up his residence at Mission Santa Barbara early in 1842, as previously stated.

Mexican extraction, and the five Mexican priests, who were unacquainted with the language of the newcomers, barely sufficed for the Spanish-speaking population. Eventually the energetic Administrator secured two Jesuits from Oregon, several Picpus Fathers from France and the Sandwich Islands,⁶ and a few priests from other religious orders. Apostolic zeal had also moved a number of secular priests of various nationalities to volunteer for the new field, where they rightly surmised the harvest must be plentiful but the laborers few. They received a hearty welcome from the Administrator, and were assigned immediately to places where they were most needed.

The Holy See very soon comprehended the situation in California, and therefore hastened to provide a successor to the first Bishop in the person of the Right Rev. Joseph Sadoc Alemany, O. P.,⁷ who until then had been provincial of the Dominicans in Ohio, Kentucky and Tennessee. He had been named Bishop of Monterey, California, by Pius IX on May 31st, 1850, and consecrated at Rome, June 30th. Bishop Alemany reached his diocese in December of the same year. On his way through the Eastern States he succeeded in enlisting several Sisterhoods for the work in California. The first of these, the Sisters of St. Dominic and the Sisters of Notre Dame, began their activity early in 1851, the former at Monterey, the latter at San José.

Bishop Alemany examined and studied the conditions in his vast diocese for more than a year, and then concluded to assemble the

⁶It is interesting to note in passing that it was the Fathers of the Sacred Heart of Jesus and Mary, familiarly called the Picpus Fathers, who had the imperishable honor of having sent Father Damien, one of their members, to Molakai, in 1873.

⁷Archbishop Alemany, was born in 1814, at Vich, a little town in the Catalanian district of Spain. He entered the Dominicans at the age of 15, and was ordained in 1837. Shortly after his ordination, he was made assistant rector of Santa Maria Sopra Minerva, the old Dominican Church, in Rome, and in 1841, he left Rome for the Dominican missions in Kentucky and Tennessee. In 1847, he became Provincial of the Province of St. Joseph, Bishop Edward Fenwick's creation, and while on a visit to Rome, at a general Chapter of the Order, was appointed Bishop of Monterey and consecrated, June 30, 1850. He is without doubt one of the noblest figures in the Catholicity of the West. Shortly after the Third Plenary Council of Baltimore, he resigned his See, and returned to the house of his Order in Spain, where he died. REUSS, *Biographical Cyclopaedia of the Catholic Hierarchy of the United States* (1784-1898), gives the date of his death as April 14, 1888, at Valencia, Spain.

clergy, both secular and regular, at San Francisco for consultation. All details of this meeting are lacking. In fact, nothing has been discovered in either the archives of the archdiocese, or in those of the Los Angeles diocese, to show that such a conference took place, save the following short note from the hand of Bishop Alemany in the *Libro Borrador*: "March 20. (1852) All the priests of the diocese assembled in diocesan Synod concur with me in urging the U. S. Land Commission to confirm to me the Mission property."

The *Libro Borrador*, or blotter, contains copies of all the official letters issued by the first Bishop and subsequently by the Administration down to September, 1850. Thereafter Bishop Alemany utilized the volume, which is now in the Archbishop's Archives, as a kind of Journal in which he occasionally entered occurrences of note.

Nor is any reference to the Synod found in other sources which would naturally be supposed to touch the subject, such as the *History of the Catholic Church in California*, published in 1872, by the late Rev. William Gleeson, M. A.: the *Acta et Decreta Concilii Provincialis Sancti Francisci Primi*, held from April 26th to May 3rd, 1874; the articles in the *Catholic Encyclopedia* on Archbishop Alemany and on the Archdiocese of San Francisco. It would seem that less than twenty years afterwards all recollection of the Synod of 1852 had been lost. Hence the facts published here for the first time will be news even to Californians.

Search for other historical material many years ago produced conclusive proof and some details of the existence of this Synod, where it was not expected: the United States Land Office at San Francisco. In accordance with the resolution of the clergy, Bishop Alemany brought suit for the recovery of the Mission property, so far as it was regarded Church property under Spanish as well as Mexican laws, which the last Mexican governor, Pio Pico, had inventoried and sold over the heads of the missionaries. The United States Land Office pronounced judgment in favor of the Bishop.

In this litigation—Land Case No. 609, José Sadoc Alemany *versus* The United States—various witnesses, priests and laymen, were summoned to testify. Two of them, Fr. Commissary-Prefect José Joaquín Jiménez, O. F. M., and Fr. Francisco Sánchez, O. F. M., both of Santa Barbara, in their depositions mentioned the Conference or Synod of San Francisco. Fr. Jiménez, on April 20th, 1854, testified: "I was present at a Conference of the Catholic Clergy of

California in 1852, which assembled on March 19th, at San Francisco. There were present about twenty-two priests representing all the missions and churches of Upper California. A resolution was adopted requesting and empowering the Bishop to apply to the Government for the Church lands throughout the State." The statement that about twenty-two priests attended the Conference is doubtless correct, as the diocese then contained about thirty-five secular and regular priests in charge of thirty-two parishes and stations from San Diego to Marysville.

On the same day, Fr. Francisco Sánchez corroborated Fr. Jiménez's evidence, and quoted one of the Decrees, which but for him would have remained unknown. "The Conference of the Catholic Clergy of this diocese," he declared, "in 1852, adopted a resolution to claim from the U. S. Government the churches, sacristies, adjoining buildings, cemeteries, gardens, orchards and vineyards as the property of the Church, and one section of land at each mission for the Church, and one league of land at each mission for the care of the Indians. The following was the resolution, which is in Latin:

"Quaestio Quarta. *De Bonis Ecclesiasticis*. Propositio Unica. Approbatur unanimiter Reverendissimum Episcopum petere in Suo et in Cleri nomine a Gubernio Americano ecclesias, cemeteria, domos et hortos Missionum, tamquam bona ecclesiastica et ad Ecclesiam pertinentia, cum una sectione terrae in unaquaque Missione pro Ecclesia, et una leuca pro Indis."

Fr. Sánchez at some length gives the reasons for the demand, which, being immaterial for our purpose, need not be quoted here.

The First Synod or Conference opened, therefore, at San Francisco on the Feast of St. Joseph, Friday, March 19th, and closed on Tuesday, March 23rd, 1852. The sessions were probably held at St. Francis Church, Vallejo Street. Who the priests were that attended, besides Fr. González, O. F. M., and the two Fathers named, it is impossible to say. Perhaps the publication of these few facts may elicit information now hidden in some diary or private collection.

The Decrees herewith produced are from a copy certified to by Bishop Alemany, and preserved in the rich collection of Spanish manuscripts at the Mission of Santa Barbara, California. It will be observed that they do not include the "Propositio Unica," quoted by Fr. Sánchez. That was a matter which had to be settled by the

U. S. Courts, and needed no action on the part of the Roman authorities. Furthermore, it will be observed that Bishop Alemany, when he certified to the copy, November 18th, 1854, had already been appointed Archbishop of San Francisco; yet he signs, as was his custom during the time, *Episcopus Electus*, for the reason that he had not yet received the Pallium. All else is clear enough. The Decrees of themselves reveal what especially and principally worried the Bishop and his clergy at the time: *Clerical Subsistence* and *Mixed Marriages*.

“Resolutiones datae a S. S. Congregatione S. Officii super sequentibus Dubiis Propositis a R. P. D. Episcopo Josepho Alemany.

“Actus Collationis Ecclesiasticae die decima nona, vigesima, vigesima prima, vigesima secunda et vigesima tertia Mensis Martii habita in Urbe S. Francisci, A. D. millesimo octingentesimo quinquagesimo secundo, Praesidente Rmo. Illmo D. D. Josepho Alemany Episcopo Montisregis, Vice-Praesidente Admodum Rvdo. Patre Gonzalez, Vicario Generali. Sequentes Resolutiones adoptatae fuerunt:

Primae Quaestiones.

De Decimis.

1a. Propositio.

“Expedi in hac dioecesi eximere fideles ab obligatione solvendi decimas materiales, seu fructum, et substituere conditiones ad congruam sustentationem parochorum, et conservationem cultus.

2a. Propositio.

“Expedi obligare fideles ad dandam, loco decimarum, quintam partem contributionis a Gubernio Civili assignatae.

3a. Propositio.

“Expedi, unumquemque Pastorem rationem reddere Episcopo, ita ut Episcopus disponat de summa ad suum arbitrium pro uniuscujusque Pastoris sustentationem, et aliis Cultus necessitatibus.

Propositio Unica.

“Expedi exhortare fideles ad solvendas decimas, quas hucusque debuerunt, taliter tamen, ut ab Episcopo condonetur obligatio, et possint admitti ad Sacramenta, si poeniteant, aut videantur bona fide. Si quid solverint debitores isti, una quarta pars dabitur Episcopo;

ex aliis tribus partibus dimidium erit pro Pastore, alterum dimidium pro Ecclesia.

De Matrimoniis Clandestinis.

1a. Propositio.

“Concilium Tridentinum habetur ut receptum in hac Dioecesi.

2a. Propositio.

“Matrimonia Clandestina inter Catholicos et A catholicos non sunt valida. Item dicendum est de Matrimoniis Clandestinis inter Catholicos.

3a. Propositio.

“Expedit a Summo Pontifice petere, ut extendat ad hanc dioecesim privilegium concessum Belgiae, et Canadae, scilicet ut Matrimonia Clandestina inter Catholicos et A catholicos in hac Dioecesi sint valida.

Feria IV, die 6 Augusti 1854.

“In Congregatione Generali S. Romanae et Universalis Inquisitionis habita in Conventu S. Mariae supra Minervam coram Emis. et Rmis. D. D. S. R. E. Cardinalibus contra haereticam pravitatem Generalibus Inquisitoribus propositis suprascriptis dubiis praehabito voto D. D. Consultorum, Fidem Emi. D. D. rescripserunt.

Quoad Decimas:

“Ad exposita dubia supplicandum SSmo. pro gratia subrogandi decimis alios redditus ab Episcopo pro prudentia taxandos, retento tamen titulo decimarum, attentis locorum circumstantiis, caute tamen, et ex subrogatione aliorum redditum loco decimarum provideatur congruae Pastorum sustentationi et Cultus conservationi.

“Implorata insuper facultate componendi juxta vires decimas non solutas pro vere poenitentibus, ut ad Sacramenta admitti possint.

“Quoad erogationem compositionem Episcopus provideat aequa distributione servata. Insuper provideat pro sui prudentia, et arbitrio, ut rationem reddant Pastores de redditibus.

Quoad Matrimonia Mixta.

“Idem Emi. rescripserunt supplicandum SSmo. pro extensione Instructionis Benedictinae in forma, et terminis concessionis pro Hollandia.

“Consulat tamen Ipse R. P. D. Episcopus Bened. XIV in opere de *Synodo Dioecesana* lib. vi. cap. vi. paragr. 13.

“Eadem Die ac Feria Ssmus. D. N. Pius, Divina Providentia PP. IX, in solita Audientia R. P. D. Assessori S. Officii imperita, audita relatione, benigne annuit pro gratia, ut supra, et resolutionem ab Eminentissimis captam approbavit.

Angelus Argenti S. Romanae et Unlis. Inq. Notarius.
(*Loco Sigilli.*)

Conformat cum originali,

S. Francisci, Nov. 18, 1854.

Fr. Jos. S. Alemany, Ep. El. S. Fr. Cal.”
(*Loco Sigilli*)

Although strange enough, in the *Acta et Decreta Concilii Provincialis Sancti Francisci Primi* no allusion is made to either the Synod or Decrees of 1854, the Decrees are referred to in the *Appendix ad Synodum Secundam Dioecesanam*, held at Los Angeles in April, 1869.

No. 1 reads as follows: “Quoad Decimas: Ex literis Eminentissimi Cardinalis Barnabo, Sacrae Congr. de Prop. Fide Praefecti, sub die 16 Septembris anni 1862, nobis declaratum fuit: ‘De Decimis vero velim animadvertas ecclesiasticas Sanctiones non pati ut jus Decimarum tollatur. Neque enim Te latere potest Innocentium III, Cap. Tua, Tit. 30, de Decimis affirmasse *Decimas divina constitutione deberi*: et plures Romanos Pontifices sua auctoritate vehementer obstitisse quominus tum in Regno Poloniae, tum alibi Decimae abolerentur. Solummodo pro rationum gravitate Apostolica Sedes quandoque indulgentiam adhibuit in solutione Decimarum substitui pro Cleri sustentatione, et pro Cultus decore. Atque hanc esse Ecclesiae mentem colligere poteris *ex ipso Responso S. C. Supremae Inquisitionis dato die 16 Augusti, 1854, petitioni exhibitae a R. P. D. Alemany, qui eo tempore Sedem Montereyensem tenebat*. Quod etsi notum Tibi esse puto, tamen cum valde ad rem faciat, exemplar transmitto, quo et dubia proposita et resolutiones continentur.’ ”

Allusion is again found in No. 2, of the same Appendix.

REV. ZEPHYRIN ENGELHARDT, O. F. M.,
Old Mission, Santa Barbara, Cal,